IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 4380 of 2007

Date of Decision : 22.03.2007

Sukhwinder Singh ... Petitioner

Versus

State Bank of India and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. M.S. Bedi, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner was issued a charge sheet dated 20.06.2006. He filed his reply thereto on 11.07.2006. Finding his reply unsatisfactory, a regular departmental enquiry was ordered against the petitioner. After the culmination of the departmental proceedings, the Enquiry Officer submitted his enquiry report. On the basis thereof, a further show cause notice has been issued to the petitioner dated 06.03.2007 tentatively proposing the punishment of dismissal from service.

It is not a matter of dispute, that the petitioner has not filed any reply to the aforesaid show cause notice, which was allegedly received by him on 12.03.2007. Rather than filing a reply, he has submitted an application dated 16.03.2007 asking for further material so as to enable him to respond to the show cause notice.

At the present juncture, no adverse order has been passed against the petitioner. A final decision on the show cause notice has also not been passed. The application filed by the petitioner dated 16.03.2007 was

moved by him just three days before filing the instant writ petition.

We are of the view, that the instant writ petition is premature. The petitioner has unnecessarily approached this Court so as to enable him to impugn the show cause notice dated 06.03.2007 whilst no adverse order has been passed against him.

In view of the above, the instant writ petition is dismissed as pre-mature.

It would be relevant to mention, that the petitioner relied on the decisions rendered by a Division Bench of this Court in Man Pal Verma Versus Haryana State Federation of Consumer's Cooperative Wholesales Stores Ltd. and others, 1996 (4) Recent Services Judgments, 651 and M.S. Sandhu, Ex-Executive Engineer versus Haryana Vidyut Parsaran Nigam Limited, 2006(1) Recent Services Judgments, 39. In Man Pal Verma's case (supra), the petitioner who had approached this Court against a show cause notice was relegated to the administrative decision to be taken by the employer. This is exactly in line with the order passed by this Court herein above. The decision rendered in M.S. Sandhu's case (supra) is clearly inapplicable to the instant controversy, as the same did not deal with the situation emerging out of a show cause notice.

(J.S. Khehar)
Judge

March 22, 2007
vkd

(S.D. Anand)
Judge